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250-1168
12 Aug 1955

Approved For Release 2003/11/04 : CIA-RDP59-00882R000200250016-3

OGC Has Reviewed

5 August 1955

MEMORANDUM FOR: Inspector General

SUBJECT : Claim of 25X1A9A

1. There is returned herewith correspondence from Mr. [redacted], addressed to your office, in which he requested compensation representing a 10% post differential for the period 14 September 1950 to 14 January 1951, during which time he was assigned on TDY to [redacted] from Headquarters. Mr. [redacted] bases his claim on the fact that he has not received the differential and for the reason that "existing travel regulations provide for the payment of a post differential to an individual on TDY, when such TDY is in excess of 60 days at a post where a differential is normally paid to FCS personnel".

2. Foreign post differentials are authorized for the Foreign Service by Section 443 of the Foreign Service Act of 1946 and by Part IV of Executive Order 10,000, issued September 14, 1948, pursuant to the Foreign Service Act and other authorities. CIA Confidential Funds Regulation [redacted] of 4 October 1950 provided that foreign post differentials paid to CIA employees would conform to those prescribed by the Secretary of State pursuant to the Foreign Service Act of 1946 and Executive Order 10,000. Although at several times a 10% differential has been prescribed for [redacted] by the Secretary of State there was none for the period claimed by [redacted]. The differential (10%) in force for [redacted] prior to February 25, 1950 was removed, effective that date, by Foreign Service Personnel Circular No. 36, dated March 2, 1950 and reinstated, effective April 28, 1951, by Department of State Differential Circular No. 9 of May 11, 1951.

3. Paragraph [redacted] of the CFR's of October 1950, however, also provided that in areas and places for which the Secretary has not prescribed foreign post differentials the Director may prescribe certain differentials. So far as we have been able to discover, the Director did not prescribe differentials for the period for which there was no differential authorized by the Secretary. Finance Division advises informally that their files indicate that there was no differential authorized for that period. [redacted] was therefore in [redacted] at a time when there was no differential authorized. Accordingly, his claim should be rejected.

OGC 25X1A9A

25X1A9A
Office of General Counsel

Distribution

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